

# FLETCHER & SIPPEL LLC

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October 24, 2005

## **VIA FEDERAL EXPRESS**

Ms. Christa L. Dean  
Section of Environmental Analysis  
Surface Transportation Board  
1925 K Street, N.W., Suite 500  
Washington, DC 20006

Re: **Docket No. AB-314 (Sub-No. 3X)**  
**Chicago, Central & Pacific Railroad Company --**  
**Abandonment Exemption -- In Linn County, Iowa**

Dear Ms. Dean:

On September 22, 2005, Chicago, Central & Pacific Railroad Company ("CC&P") filed a notice of exemption in the above-captioned proceeding for the abandonment of a 0.79-mile out of service rail line in Cedar Rapids, Iowa known as the North Cedar Rapids Spur. An Environmental/Historic Report was included as Exhibit D to the notice of exemption, and the Board's Environmental Assessment in this proceeding was served on October 17, 2005.

Appendix P to the Environmental/Historic Report certified that appropriate newspaper notice of the proposed abandonment had been published, and that a proof of publication would be forwarded to the Board at a later date. I am now enclosing that proof of publication, provided by *The Gazette* of Cedar Rapids, Linn County, Iowa.

Also enclosed are follow-up letters from the Iowa Department of Agriculture and Land Stewardship and the Army Corps of Engineers. The Iowa agency's letter restates its earlier advice reflected in Appendix E-1 to the Environmental/Historic Report. The Army Corps confirms that there are no natural resource objections to the proposed abandonment and that no further consultation is required. The Army Corps' initial response was provided in Appendix K-1 to the Environmental/Historic Report.

I note also the Army Corps' comment that, with respect to historic properties, "[i]f there was no response [from the State Historic Preservation Officer], then concurrence with your findings as presented on page nine can be assumed" and that the "documentation provided appears sufficient and further historic properties consultation is unnecessary." The Environmental Assessment in this proceeding did in fact recommend imposition of a Section 106 consultation condition on the proposed abandonment due to the absence of a response from the

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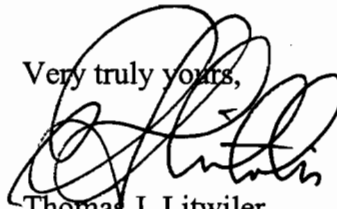
Ms. Christa L. Dean  
October 24, 2005  
Page 2

Iowa SHPO to date. Given the Army Corps' comments and the upcoming scheduled transfer of the North Cedar Rapids Spur to a private party as part of a litigation settlement agreement, we are hopeful that a response from the Iowa SHPO will be forthcoming shortly.

Finally, in a October 24, 2005 telephone conversation with the undersigned, Mr. Keith Dohrmann of the Iowa Department of Natural Resources indicated that his agency had no comment on the proposed abandonment.

Two copies of this letter, with enclosures, are provided for filing purposes. If you have questions or need additional information on any of the items discussed above, please feel free to contact me. As in the past, I appreciate your kind and professional assistance on these matters. Best regards.

Very truly yours,

A handwritten signature in black ink, appearing to read 'T. Litwiler', written over the typed name.

Thomas J. Litwiler  
Attorney for Chicago, Central & Pacific  
Railroad Company

TJL:tl

Enclosures

STATE OF IOWA

Counties of Linn and Johnson

ss.

I, Joe Hladky, being duly sworn on oath, do state that I am the publisher of THE GAZETTE, a daily newspaper of general circulation in Linn and Johnson Counties, Iowa. The notice, a printed copy of which is attached, was inserted and published in THE GAZETTE newspaper in the issue(s) of

Sept. 22 20 05.

The reasonable fee for publishing said notice is \$ 26.36.

*Joe Hladky*

Signed and sworn to before me on Sept. 22, 20 05, by Joe Hladky.

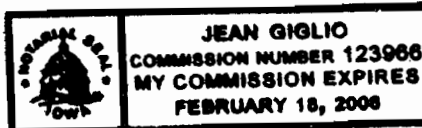
*Jean Giglio*

Notary Public in and for the State of Iowa

Payment for above from \_\_\_\_\_, 20\_\_\_\_.

GAZETTE COMMUNICATIONS, INC.

By \_\_\_\_\_

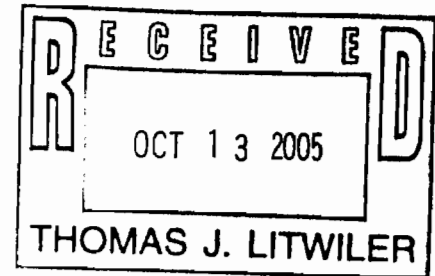




# IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

PATTY JUDGE  
SECRETARY OF AGRICULTURE

October 4, 2005



Thomas J. Litwiler  
Attorney at Law  
29 North Wacker Drive, Suite 290  
Chicago, Illinois 60606-2875

Re: Docket No. AB-314 (Sub-No.3X)  
Chicago, Central & Pacific Railroad Company—  
Abandonment Exemption – Linn County, Iowa

Dear Mr. Litwiler:

I have received your letter of September 2, 2005, correspondence regarding Chicago, Central & Pacific Railroad Company's plans to abandon railroad line in Linn County, Iowa.

We have not given this proposal thorough review, but do acknowledge having received materials and being given the opportunity to review and comment if we so choose. This acknowledgment is not an indication of approval on our part.

If you have not already done so, I suggest that a copy of your proposal also be mailed to:

Linn Soil & Water Conservation District  
3025 – 7<sup>th</sup> Avenue  
Marion, IA 52302

We appreciate the consideration you have given us in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth R. Tow".

Kenneth R. Tow, Director  
Division of Soil Conservation

KRT:ej

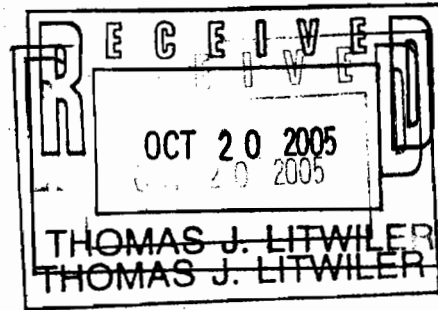


REPLY TO  
ATTENTION OF:

Planning, Programs, and  
Project Management Division

DEPARTMENT OF THE ARMY  
ROCK ISLAND DISTRICT, CORPS OF ENGINEERS  
CLOCK TOWER BUILDING - P.O. BOX 2004  
ROCK ISLAND, ILLINOIS 61204-2004

October 17, 2005



Surface Transportation Board  
Section of Environmental Analysis  
1925 K Street, N.W. Room 504  
Washington, DC 20423-0001

Dear Sir:

I received your letter dated September 2, 2005, requesting comments regarding Docket No. AB-314 (Sub-No. 3X) *Chicago, Central & Pacific Railroad Company – Abandonment Exemption* in Lynn County, Iowa. Rock Island District environmental and cultural resource staff reviewed the information you provided and have the following comments:

- a. There are no natural resource objections to the proposed rail spur abandonment, as described. No further consultation is required unless conditions change.
- b. The potential to impact historic properties was adequately presented in the text and the correspondence with the State Historical Preservation Officer (SHPO) was appropriately documented in Appendix N. If the SHPO responded to the April 29, 2005, letter with a Review and Compliance (R&C) No., this number should be documented in the report. If there was no response, then concurrence with your findings as presented on page nine can be assumed. In either case, documentation provided appears sufficient and further historic properties consultation is unnecessary.

No other concerns surfaced during our review. Thank you for the opportunity to comment on your proposal. If you need more information, please call Dr. Sandra Brewer of our Economic and Environmental Analysis Branch, telephone 309/794-5171.

Sincerely,

ORIGINAL SIGNED BY

Kenneth A. Barr  
Chief, Economic and  
Environmental Analysis Branch

✓ Mr. Thomas J. Litwiler  
Fletcher & Sippel LLC  
29 N. Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2875